

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 93, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the
- 2 following:
- 3 SECTION 1. IC 8-1-2-1, AS AMENDED BY P.L.27-2006,
- 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2008]: Sec. 1. (a) Except as provided in section 1.1 of this
- 6 chapter, "public utility", as used in this chapter, means every
- 7 corporation, company, partnership, limited liability company,
- 8 individual, association of individuals, their lessees, trustees, or
- 9 receivers appointed by a court, that may own, operate, manage, or
- 10 control any plant or equipment within the state for the:
- 11 (1) conveyance of telegraph or telephone messages;
- 12 (2) production, transmission, delivery, or furnishing of heat,
- 13 light, water, or power; or
- 14 (3) collection, treatment, purification, and disposal in a sanitary
- 15 manner of liquid and solid waste, sewage, night soil, and
- 16 industrial waste.
- 17 The term does not include a municipality that may acquire, own, or
- 18 operate any of the foregoing facilities **or a landlord or person acting**
- 19 **on a landlord's behalf that distributes water or sewage disposal**
- 20 **service from a public utility to a dwelling unit and bills tenants**
- 21 **for water or sewage disposal service and related administrative**
- 22 **costs separate from rent.**
- 23 (b) "Municipal council", as used in this chapter, means the
- 24 legislative body of any town or city in Indiana wherein the property of
- 25 the public utility or any part thereof is located.
- 26 (c) "Municipality", as used in this chapter, means any city or town

1 of Indiana.

2 (d) "Rate", as used in this chapter, means every individual or joint
3 rate, fare, toll, charge, rental, or other compensation of any utility or
4 any two (2) or more such individual or joint rates, fares, tolls, charges,
5 rentals, or other compensation of any utility or any schedule or tariff
6 thereof, but nothing in this subsection shall give the commission any
7 control, jurisdiction, or authority over the rate charged by a municipally
8 owned utility except as in this chapter expressly provided.

9 (e) "Service" is used in this chapter in its broadest and most
10 inclusive sense and includes not only the use or accommodation
11 afforded consumers or patrons but also any product or commodity
12 furnished by any public or other utility and the plant, equipment,
13 apparatus, appliances, property, and facility employed by any public or
14 other utility in performing any service or in furnishing any product or
15 commodity and devoted to the purposes in which such public or other
16 utility is engaged and to the use and accommodation of the public.

17 (f) "Commission", as used in this chapter, means the commission
18 created by IC 8-1-1-2.

19 (g) "Utility", as used in this chapter, means every plant or
20 equipment within the state used for:

- 21 (1) the conveyance of telegraph and telephone messages;
- 22 (2) the production, transmission, delivery, or furnishing of heat,
23 light, water, or power, either directly or indirectly to the public;
24 or
- 25 (3) collection, treatment, purification, and disposal in a sanitary
26 manner of liquid and solid waste, sewage, night soil, and
27 industrial waste.

28 The term does not include a municipality that may acquire, own, or
29 operate facilities for the collection, treatment, purification, and disposal
30 in a sanitary manner of liquid and solid waste, sewage, night soil, and
31 industrial waste. A warehouse owned or operated by any person, firm,
32 limited liability company, or corporation engaged in the business of
33 operating a warehouse business for the storage of used household
34 goods is not a public utility within the meaning of this chapter.

35 (h) "Municipally owned utility", as used in this chapter, includes
36 every utility owned or operated by a municipality.

37 (i) "Indeterminate permit", as used in this chapter, means every
38 grant, directly or indirectly from the state, to any corporation, company,
39 partnership, limited liability company, individual, association of
40 individuals, their lessees, trustees, or receivers appointed by a court, of
41 power, right, or privilege to own, operate, manage, or control any plant
42 or equipment, or any part of a plant or equipment, within this state, for
43 the:

- 44 (1) production, transmission, delivery, or furnishing of heat,
45 light, water, or power, either directly or indirectly to or for the
46 public;
- 47 (2) collection, treatment, purification, and disposal in a sanitary
48 manner of liquid and solid waste, sewage, night soil, and
49 industrial waste; or
- 50 (3) furnishing of facilities for the transmission of intelligence by

1 electricity between points within this state;
2 which shall continue in force until such time as the municipality shall
3 exercise its right to purchase, condemn, or otherwise acquire the
4 property of such public utility, as provided in this chapter, or until it
5 shall be otherwise terminated according to law.

(Reference is to SB 93 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Utilities and Regulatory Affairs.

LONG, Chairperson